App F IX 4

Previous References 1946 47 (Rev)

File No 126-46

Serial Nos 30 31

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 40

Part B for Madras

SUBJECT

Representation of Mr V N Narayana Rao Chamarajapet, Bangalore re-exp- re- Re Acquisition of a land bearing Doorno 156 to 157 in the Jame ~~Cutch~~ Lis taken

R 15364 & 2 s 47

Mr V N Narayana Rao Chamarajapet - Bangalore

Reforms, that the request cannot be complied with.

CL.

a no 3

From Tw H N Narayana Rao
157 - Chamarajpet, Bangalore city -
requesting that a lane between Gen Cariappa
and Mr Subramanya should be accepted by the
City Municipality

---

1) Remarks Mark -

Please call for a report from the
Municipal Commr - Ref
T-c 17 N
8-12-46

2) A memo is put up

3) Agreed

17/12

18/12/46

NL 8846 dated 19 12 46

calls for a report

From the Municipal Commr Bangalore city -

Lic 96/PR 3/46 dt 8-2-47

Forwards a report on the representation
of Mr D N Narayana Rao regarding the
acceptation of a lane between door no 156
and 157 on the Tank Road

6531

4) The request of Mr H N Narayana Rao petitioner is that the Conservancy lane between door no 156 and 157 - Tank Road Chamarajpet, Bangalore city, which has been blocked up by the owner of Door no 156, be acquired by the city Municipality and kept as a Conservancy lane

5) It is seen that the ownership of the lane itself was under dispute and that the Subordinate Court Bangalore, has been decided that Mr Subbaraya Reddy is the right owner of the lane

6) The city Improvement Committee has decided that it is not necessary to acquire this lane

Upto the petitioner and the residents of the locality have failed in their attempt to move the city Municipal Council to acquire the

General and Revenue Secretariat | File No | of 191

Serial No

above lane and as Mr Subbaraya Sastry the owner of the lane is said to have enclosed it the petitioner Mr H N Narayana Rao has prepared this appeal to Govt

8) Refer for report of the Notes Commissioners Minute dated 8-12-1946)

Re 27/2/47 9) What is the opinion of the Health Officer & the Municipal Engineer in the matter? Pl call for them

Sd 28/2/47

10) Sent with a draft letter

11) Signed 4/3/47

Re 3/3/47 —o— All Corr

(2 335 dt 10-3-47 Calls for the above from the Municipal Comm

96 dated 20-3-47

Forwards a copy of the report of the Health Officer and the Municipal Engineer on the subject-

1a) The Municipal Engineer is in favour of accepting the cross road lying between houses nos 156 and 157 in Chamarajpet, Bangalore city, which has been blocked up by Mr Subbaraya Sastry as this prevents connection between the Main and Conservancy Roads

NOTE- Contn Sheet

Serial No

13) The Health officer Bangalore City Municipality is not in favour of the acquisition of 12 feet of the M Subbarayas Sastrys Site, which is 50' in width for the following reasons —

1) The Site which is already narrow would be reduced further particularly when compared with the length of 135'

2) that the proposed conservancy lane does not serve any useful purpose to any body, except causing inconvenience to Mr Subbaraya Sastry and the proposed conservancy lane would abut the kitchen of the existing building.

The Health officer has therefore suggested a modified proposal to open out a Conservancy lane from the V Main Road through Kudla Mutt to join the existing Conservancy lane

14) Refer paras 1, 2 & 3 of the Notes Supra

29/3/47 15 The report of the Tl Commr dt Plans etc called for in accordance with the orders of the Minister for Communications in para 13 (a) for perusal,

16 The present Improvement Committee which considered the question of

agreeing this bit of land was of opinion that as the dump is not necessary, the surface levelled and that the water-logged drainage be improved via the low-lying

17 land referred is also invited to the views of the Health Officer & the M.L. Engineer on the subject. This appears to be a case in which a personal inspection of the spot is necessary before arriving at a decision

18 for which reference perhaps

9522/14

[illegible] 1/4/47

As different views have been expressed by different officers, personal inspection of the spot would perhaps be helpful.

OFFICE OF THE MINISTER FOR EDUCATION & P.W. Date. 8 4 47 No. 6449

Minister for Edn. & P.W.

I shall inspect the spot 7/4 [illegible]

10/4/47

File
2

6449

I inspected the place this
morning with the Land Commr
& other officers.
The petitioner may be told that
his request cannot be complied
with
The Land Commr may be asked
to take action to continue the
Conservancy
a stay against
lawful
instructions

18/4/47

18/4/47

TYPE
29 APR 1947

Initialled with a short endorsement

24/4

To Mr H N Navaja Rao
15.65-T d 2-5-47
Endors accordingly

Copy to Mr Trevor

Please call for report from the Town Comm

BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE
Bangalore

4703

13 DEC 1946

Mul 126-46-30

Petition No

8/12/46

Petitioner - H N Narayana Rao,
s/o H. Nagesha Rao, Brahmin,
Retired Manager of the
Inspector General of Police,
at present residing at No 157,
Tank Road, Chamarajapet, Bangalore city.

6525

The Petitioner begs to file the following petition and prays for early orders -

1 The Petitioner is the owner of premises No 157 Tank Road, Chamarajpet, (VIIth Division) Bangalore city One Mr M. Subbaraya Sastry, a School Master, is the owner of premises No 156, Tank Road, Chamarajpet, (VIIth Division) Bangalore city

2 The Petitioner submits that in between the two premises referred to above there is a cross lane leading to the conservancy lane from Tank Road, Vth Main Road, Chamarajpet, Bangalore city It is about 12½ feet in width and about 152 feet in length

3 The Petitioner further submits that ever since 1919 the Petitioner and his predecessors in title have been in undisturbed possession and enjoyment of the lane referred to above and have also allowed the Municipality to use it as conservancy lane for the removal of rubbish etc The Municipality has all along been using the lane for the purposes above mentioned

4 The Petitioner submits that to the south of his premises in his compound adjoining the said lane, there are outlets for water flow, one wicket gate, and one window to the southern wall of his out-house and also the waterflow of the roofing of the out house towards the lane

5 In the meanwhile Mr M Subbaraya Sastry referred to above tried to prevail upon the Municipality to sell the same to him for an upset price He also tried to prevent the Municipal Carts passing that way to remove the rubbish This obstruction was promptly removed by the Municipality

6. Thereafter the said Subbaraya Sastry filed a suit O S No 314/43-44 on the file of the First Munsiff Bangalore, against the Bangalore City Municipality, the Petitioner also filed a suit O S No 348/43-44 against the said Subbaraya Sastry on the file of the First Munsiff Bangalore for declaration and injunction

7 The learned Munsiff delivering a common judgement on 29-1-1945 held on the basis and the oral and documentary evidence that could be made available to the Court at the time, that the said Subbaraya Sastry had the right to the land and that the Municipality or the Petitioner had none

8 The Petitioner submits that the said Decrees were appealed against in the court of the First Additional Subordinate Judge, Bangalore in R A No 104/44-45 and R A No. 1 of 45-46 respectively and the Appellate Court confirmed the decrees of the learned Munsiff

9 The Petitioner understands that the Municipality has not preferred a second appeal against the said Decree and Judgement of the Appellate Court and that even if the Petitioner had filed one, it would have been infrutious because the Decree obtained by the said Subbaraya Sastry against the Municipality would become final.

10 The Petitioner understands that the Municipal Advocate also has recommended the compulsory acquisition of the land in question and the Bangalore City Municipality has also called for estimate The Petitioner has given a petition to the City Municipality also in this behalf

11 The Petitioner and the inhabitants of the locality have in the past sent memorials praying for the acquisition of the lane in question

12 The Petitioner further submits that the Municipality has not acquired the land comprising the sub lane which is the first approach lane to the blind conservancy lane

13 The Municipality has recently sanctioned a license to Mr Subbaraya Sastry for erecting a compound enclosing the said lane Mr Subbaraya Sastry has begun the construction of the compound and the Petitioner is inconvenienced a lot

14 It is therefore necessary, expedient and just that the Government may be pleased to immediately acquire the land in question for which act of kindness he will ever remain

Encl rough sketch of the Tank Bed Channarayapatna

For Petitioner
H N Narayana Rao

Bangalore
D 5th Decr 46

Memo no L 8846 dated 19 12 46

Forwarded with Compliments to the Municipal Commissioner Bangalore City, for favour of a report very early

for Revenue Secretary

gf 4354/46-47

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE
MAHARAJAH OF MYSORE

B A N G A L O R E

Petition No of 1946-'47

Petitioner:--

H N Narayana Rao,
s/o H Nagesha Rao, Brahmin,
Retired Manager of the Inspector-
General of Police, at present
residing at No 157, Tank Road,
Chamarajpet, BANGALORE CITY.

The Petitioner begs to file the following petition and prays for early orders:-

1. The Petitioner is the owner of premises No 157, Tank Road, Chamarajpet, (VIIth Division) Bangalore City One Mr M Subbaraya Sastry, a School Master, is the owner of premises No 156, Tank Road, Chamarajpet, (VIIth Division) Bangalore City

2 The Petitioner submits that in between the two premises referred to above there is a cross lane leading to the conservancy lane from Tank Road, Vth Main Road, Chamarajpet, Bangalore City It is about 12½ feet in width and about 152 feet in length

3 The Petitioner further submits that ever since 1919 the Petitioner and his predecessors in title have been in undisturbed possession and enjoyment of the lane referred to above and have also allowed the Municipality to use it as conservancy lane for the removal of rubbish etc The Municipality has all along been using the lane for the purposes above mentioned

4 In the meanwhile Mr M Subbaraya Sastry referred to above tried to prevail upon the Municipality to sell the same to him for an upset price He also tried to prevent the Municipal Carts passing that way to remove the rubbish This obstruction was promptly removed by the Municipality

5 Thereafter the said Subbaraya Sastry filed a suit O S No 314/43-44 on the file of the First Munsiff Bangalore against the Bangalore City Municipality, the Petitioner also filed a suit O S No 348/43-44 against the said Subbaraya Sastry on the file of the First Munsiff, Bangalore for declaration and injunction

6 The learned Munsiff delivering a common judgment on 29-1-1945 held on the basis and the oral and documentary evidence that could be made available to the Court at the time, that the said Subbaraya Sastry had the right to the land and that the Municipality or the Petitioner had none.

7 The Petitioner submits that the said Decrees were appealed against in the court of the First Additional Subordinate Judge, Bangalore in R A No 104/44-45 and R A.No 1

P T O

of 45-46 respectively and the Appellate Court confirmed the decrees of the le rned Munsiff

8 The Petitioner understands that the Municipality has not preferred a second appeal against the said Decree and Judgment of the Appellate Court and that even if the Petitioner had filed one, it would have been infrutious because the Decree obtained by the said Subbarya Sastry against the Municipality would become final

9 The Petitioner therefore submits that in the cause of public Health for the protection of which the Bangalore City Municipality and the Government are sparing no pains and in the interests of the inhabitants of the locality, the Government may be pleased to compulsorily acquire the land in question with a view to have the rubbish removed as before An inspection by the authorities will clearly show that there is no other way through which the rubbish can be removed and the lane in question is the only one

10 The Petitioner understands that the Municipal Advocate also has recommended the compulsory acquisition of the land in question and the Bangalore City Municipality has also called for estimate The Petitioner, has given a petition to the City Municipality also in this behalf

11 Taking advantage of the decision of Courts in his favour the said Subbarya Sastry is hurrying to obtain a licence from the Municipality to construct a building

12 The Petitioner and the inhabitants of the locality have in the past sent memorials praying for the acquisition of the lane in question

13 It is therefore necessary, expendient and and just that the Government may be pleased to immediately acquire the land in question for which act of kindness he will ever remain

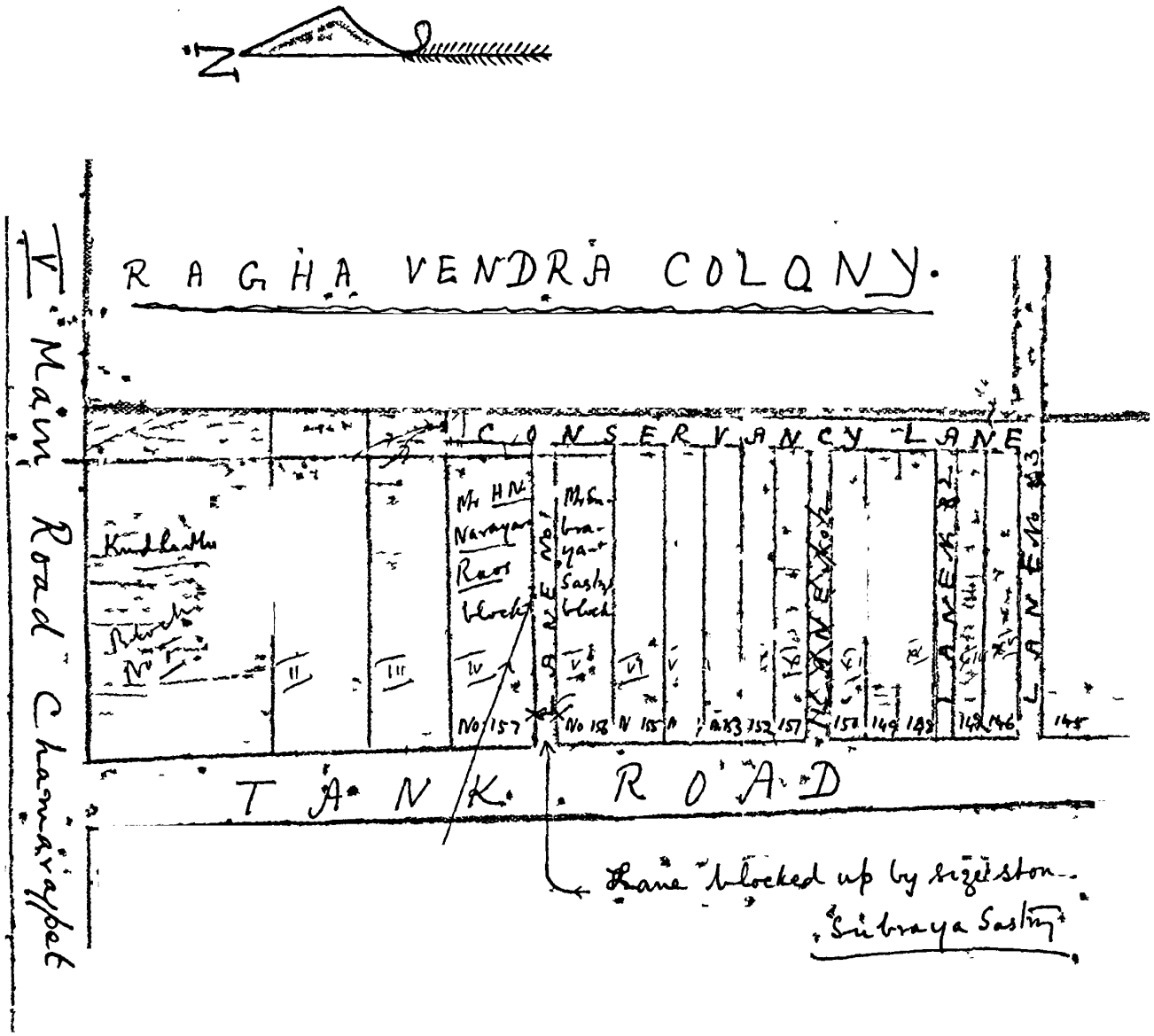
Bangalore,

D 29 November 1946

H N Narasimhan

PETITIONER

Rough ground sketch of the Tank Road



Bangalore City Municipality

65-31

No Ll C 96 Pr 5/46
Encl are petition memorandum & resolution

MUNICIPAL OFFICES
Bangalore 8th Feb 194 1

FROM

SAFI DARASHAH Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

J B [illegible]DHY, Esq, M A
Secretary to Government,
Revenue Department, Bangalore

Sir

Subject Representation of Mr H N Narayana Rao, Door No 157 Tank Road, Chamarajpet, Bangalore City, re acquisition of a lane between Door Nos 156 and 157 in the same locality

---

With reference to your cmo No L 8846 dated 19 12 1946 calling for a report on the above subject I have the honor to state that there is a lane 12½ ft wide and 152 ft long, between the petitioner's house and Door No 156, belonging to Mr M Subbaraya Sastry With regards to the ownership of the said lane Mr L Subbaraya Sastry had filed a civil suit in the 1st Munsiff's Court Bangalore, against this Municipality in O S No 514/45 Simultaniously the petitioner also filed a suit in O S No 548/45 against the said Mr Subbaraya Sastry in the same Court for Declaration and Injunction The Learned 1st Munsiff delivering a common Judgment on 29-1-1945 on the basis of the oral and documentary evidence made available to the Court at the time, observed that the said Mr Subbaraya Sastry had the right to the lane in question and that neither the Municipality nor Mr Narayana Rao had any title to it

Then appeals were preferred both by this Municipality and the petitioner, Mr Narayana Rao, in the First Additional Subordinate Judge's Court, Bangalore in R A No 104/44 and R A 1/45 respectively and the appellate court confirmed the Decrees of the 1st Munsiff Bangalore on the ground that the said land belonged to Mr M Subbaraya Sastry as it formed a part of Door No 156, which he had purchased from a private person in the year 1919 and was in possession of it since then

Then the petitioner and some other residents of the said locality put in an application to this office with a request to propose the said lane for acquisition On this reports of the Municipal Engineer and the Health Officer were called for and placed before the City Improvement Committee for consideration But the City Improvement Committee at their meeting held on 25-9-46 have resolved as follows

" As the opening is not necessary, the suggestion is dropped But the underground drainage be improved in the locality

P T O

A copy of the resolution is herein enclosed for favour of kind reference

Since the petitioner and the residents of the said locality have failed in their attempts in this Municipality the petitioner Mr H N Narayana Rao has preferred this appeal in Government

The petitions and the plan accompany

I have the honor to be,
Sir,
Your most obedient servant,

MUNICIPAL COMMISSIONER

Bsk

Proceedin s or the City Improvement Committee
Dated 25-9-1946

--

No 6

Application from the residents of Pempambhudi Tank Road, V Street, Chamarajpet, that the conservancy lane between 156 and 157 blocked up by the owner of No 156 may be taken back and opened out and kept as a conservancy lane Municipal Engineer's and Health Officer s reports in the matter

As the opening is not necessary, the suggestion is dropped But the underground drainage be improved in the locality

Sd P Sivashankar,

Chairman

" Copy

Bsk Municipal Commissioner

L. 12335
10/3/47

To

The Municipal Town Bandarawela

Representation of Mr H N Navaratna Res - No 157 - Tank road, Gramasewaka Div Bandarawela City, re acquisition of a land between Door No 156 and 157 in the same locality

Sir,

With reference to your letter No L1 C 96/1 N 3/46 dated 4-9-47 on the above subject, I am directed to request you to kindly forward a copy of the objection so forwarded by the Municipal

Engineer and the Health Office
Barcelona City in the matter

Yours
Sincerely
Jan Revelen

Bangalore City Municipality

No L1 C 96 Pr 3/46
Encl/two
FROM

MUNICIPAL OFFICES
Bangalore 20th March *1947*

SAFI DARASHAH Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

BEN 7916 2 L S G BRANCH

To

F N Pallegar, Esq , M A , LL B ,
Secretary to Government,
Revenue Department, BANGALORE

Sir,

Subject Representation of Mr I N Narayana Rao No 157, Tank Road, Chamarajapet, Bangalore City, re acquisition of a lane between Door No 156 and 157 in the same locality

---

I have the honor to forward herewith copies of the reports of the Health Officer and the Municipal Engineer on the above subject as desired in your letter No L 12505 dated 10-3-1947

I have the honor to be,
Sir,
Your most obedient servant,

Darashah

MUNICIPAL COMMISSIONER

Forwarded with compliments

Honorary President

Bsk

It is learnt that the Municipality gave Kudli Mutt authorities ~~xxxxx~~ this huge site at an upset price the Kudlimutt authorities may be willing to part with this bit of land at a reasonable price

The representation of the residents of Raghavendra Colony, is herewith enclosed

---

" Copy "

Municipal Commissioner

Report No,149,dated 8th August 1946 from the Health Officer, to the Municipal Commissioner,Bangalore City

---

Ref memo No L1 C 96 Pr 3/46,forwarding the file received from the Municipal Engineer regarding acquisition of property belonging to Mr A Subbaraya Sastry to form a Conservancy lane

---

A rough sketch of the area in question has been got done showing the proposal of the Municipal Engineer to open a conservancy lane and my proposal to continue the existing one It could be seen from the plan that the conservancy lane extends behind site No 157 but has been blocked by site No 158, to the North of site No 158 is the open land of Kudli Mutt,which extends up to V Main Road, Chamarajpet at present there is no access to the conservancy lane anywhere close to V Main Road The proposal to acquire 12 feet of Mr A Subbaraya Sastry's site which is 50' in width does not commend itself on account of the following reasons

1 The site which is already narrow will be reduced further and if this bit is acquired the width of the site will be 38 feet which in the extension would be very narrow particularly when compared to the length of 158 feet

2 The Conservancy lane proposed does no serve any useful purpose to anybody excepting causing inconvenience to Mr A Subbaraya Sastry There is a house already built on site No 156 and the proposed conservancy lane will abut the Kitchen of the existing building

3 The house owners in Raghavendra Colony have been agitating for opening a conservancy lane from V Main Road through Kudlimutt and Mr Venkataramiah s siteto join the existing conservancy lane Such a lane would serve not only Kudlimutt 158 and 157 but also about half a dozen houses in Raghavendra Colony I am given to understand that the existing conservancy lane has been left by the adjoining site owners specially for this purpose and the owner of site No 158 has encroached on this bit Even he has not put up a structure on this land,except a small one which seems to be of a temporary nature The conservancy if joined to V Main Road will certainly give access for the carts to go from V Main Road,right through without the necessity of their passing through the Main Road Sewer lane can also be laid right through which will serve a dozen houses

4 The cost of acquisition of this modified proposal may not be very High In fact the residents of Raghavendra Colony have come forward to contribute a certain portion of the acquisition charges, so much so the Municipality will be well advised to acquire 357 feet of land as against 408 feet proposed by the Municipal Engineer

P T O

Report No E3 G1 5435/45 dated 21st May 1946, from the Municipal Engineer, to the Municipal Commissioner, Bangalore City

---

Ref 1 J C ' memo No 7 G1 6447/45 of 18-5-46
2 M C's Memo No A6 Pet 2942/45 of 22-5-46
3 M C's Memo No A1 P 3012/45 of 28-5-46

A sketch plan is herewith submitted showing the Cross Road, under question The Municipal Advocate has suggested the acquisition of this bit of land, if it is found necessary for conservancy purposes, as the court has decided this bit in favour of the private lay-out, against the Municipality for want of sufficient evidence

The Cross road is now being enjoyed by one Mr Subbaraya Sastry, residing in 156, Tank Road, Chamarajapet This cross road lying between houses 156 and 157 has been blocked up by the said person and this prevents connection between the Main and the Conservancy roads

The carts now entering the New XXXXX Main Road from V main road, will have to get away either via the cross road on the Southern most end, nearly 800 ft away or via the conservancy at the South extreme

It seems desirable that this area be acquired, and the XX cross lane opened out The Health Officer, may also be kindly consulted in the matter and the matter placed before the City Improvement Committe for further needful action

The entire records are resubmitted

" Copy '

Municipal Commissioner

Bsk.

Mē 126 46-31 L 15366/d 2-5-46

Endorsement granted to

Mr H N Narayana Rao

S/o

Mr H Nagesha Rao

No 157 - Tank Road, Thamaraghet-

Bangalore City

In reply to his petition dated 5-12-46

addressed to the Minister for Education & p 4

requesting that the lane lying between door

Nos 156 and 157 in Thamaraghet, Bangalore

City, be removed by the Bangalore City Municipal

Council, the petitioner is informed that his

request cannot be complied with

28/12/46

for Secy

L15367

Memo No d 2.5.46

Copy sent to the Municipal Comr

Bangalore City for information with reference

to his letter No L 1 C Eb 9 Pr.3/46, dated

8-2-1947

He is requested to take very early action to Continue the Conservancy Lane or Lay a Sewer line, in accordance with the instructions issued by the Minister for Education (Local Admin) his inspection of the spot on 18-4-47

Yours
Asstt Engr
for Revenue Secy